

I am here today to ask this committee to not write an exchange for Michigan at all. If you believe that we are a Republic, with a constitution that states we have dominion over the federal government everywhere but where they have been given enumerated powers, then you cannot buckle to the whims of our Governor or our president. We will lose 1/3 of our liberty based economy and many of our freedoms if ObamaCare is enacted. We are the country with the most liberty in the world but we have been slowly losing our liberties for years. This one bill will throw us light years ahead of our move toward socialism.

There are many ways around writing this exchange. I know that the reason you want to write this exchange is so that you can have at least "some control" over what the federal government can do to us. According to Edmund Haislmaier in *The Foundry: Conservative Policy News Blot* from The Heritage Foundation, dated September 28, 2011 titled *States Should Return Obamacare Grants, Pursue Own Health Care Reforms*, he says

"HHS effectively closed that window in its proposed exchange regulations issued in July. In particular, section 155.110, dealing with exchange contracting, specifies in subsection (b) that, 'To the extent that an Exchange established such arrangements, the Exchange remains responsible for ensuring that all Federal requirements related to contracted functions are met.'"

He goes on to say,

"The combined effect of these regulations and grant requirements are that a state would have to agree to surrender any last vestiges of meaningful control over how Obamacare is implemented. Thus, a state would now have no more real control over an exchange it set up than over one HHS established."

He says we should pursue our own patient-centered, market-based reforms not being in any way related to ObamaCare. We should not accept any of the grants being awarded by the federal government to implement this horrible abuse of power. For instance the "premium review" grants will be used to make their jobs easier and will "co-opt state insurance departments into denying rate increases HHS deems 'unreasonable.'"

While refusing the writing of the exchange and any other portion of our jumping through hoops for grants we must also provide a state-based way to replace it such as with the McMillin Compact bill.

Another way to fight ObamaCare is Nullification. This is where a state moves to Nullify a bill they deem to be unconstitutional. It's too much to explain here but I would be glad to meet with any of you to discuss what I've found.

Benjamin Domenech managing editor of Health Care News and a research fellow at The Heartland says'

"Supporters of exchange implementation have argued repeatedly that states must act or risk losing control to the federally run exchange, operating outside state authority. Yet a closer examination of the law indicates such federally run exchanges would have several difficult budgetary hurdles to overcome.

While the text of Obama's law grants HHS a nearly unlimited budget to fund state-created exchanges, the authority to create a **federal exchange** within the bill did not come with any funding at all. In a situation where a significant number of states declined to run exchanges themselves, HHS would have to go back to Congress for additional funding or find other means within its overall budget."

He goes on further:

An additional drafting error in the law could prevent these federal exchanges from offering heavily subsidized premiums, their primary attraction to consumers. As first reported by *Investor's Business Daily*, while Section 1311 of the law mandates the creation of state exchanges, and Section 1321 authorizes HHS to establish an exchange if a state refuses to comply, subsidies are available only to those consumers enrolled in "an exchange established by the state under (Section) 1311. 'No similar language in the bill authorizes the subsidizing of individuals within the federal exchanges.'"

Benjamin says, "It's impossible to overestimate how devastating an effect this glitch could have if it turns out to be immovable. And according to legal minds like Jonathan Adler, this is an error that cannot be corrected by the administration or the IRS." He says, "Federal agencies lack the authority to unilaterally revise statutory mistakes." He says Scrivener's error should be disregarded.

There are states that are not falling for this Government affront and are not writing exchanges. We should be one of them. No matter what the Supreme Court decides this bill is Unconstitutional and not something the majority of Michiganders want so we should do anything and everything to stop or at a minimum slow down its tentacles from forming in Michigan.

If you want any information on any of these possible remedies or all of them and a few more I did not have time to include today, I'll be glad to meet with any of you to discuss what I've found.

Thank you for your time,

Tina Dupont

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